



April 6, 2009

Notice of Ex Parte Presentation

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re The Commission's Consultative Role in the Broadband Provisions of The Recovery Act, GN Docket No. 09-40

Dear Ms. Dortch:

On April 3, 2009, I represented Coverage Co. at a meeting with the following FCC representatives regarding the above proceeding: Ian Dillner, WCB; Katie King, WCB; Kevin Holmes, WTB; Paul Malmud, WTB; and Michael C. Smith, WTB. Robert Schill of e-Copernicus, a registered lobbyist also attended. I discussed general Recovery Act policy issues and did not discuss particular projects, applications, or applicants for funding. The presentation generally followed the attached Power Point.

I explained that the definition of unserved should include separate definitions for mobile and fixed broadband as these are inherently different services and that the presence of one should not necessarily prevent eligibility of the other to seek funding the NTIA and RUS broadband stimulus programs. I also stated that there should be deference to state determinations of what constitutes an unserved territory such that a determination by a state that an area is unserved should give rise to a rebuttable presumption as to its unserved status.

For the definition of underserved I advocated that NTIA and RUS should evaluate applications based on proposed material improvements to existing broadband services rather than creating a static, minimum data rate.

For the definition of broadband I explained that the Commission's recognition of several different tiers of service in the Development of Broadband Nationwide Data Order (WC Docket no. 07-38) provided a useful tool for NTIA and RUS to employ, recognizing that the best solutions available in different regions are not "one size fits all."

With respect to non-discrimination and network interconnection requirements, I stated that wholesale service providers should fulfill the aspects of such requirements within their control, but that compliance with any other such requirements should be the responsibility of the retail service provider or other party under whose control such requirements lie.

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Ms. Marlene H. Dortch

Thank you for your time and consideration of the above comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Beard', written in a cursive style.

Andy Beard

CC: Ian Dillner
Katie King
Kevin Holmes
Paul Malmud
Michael C. Smith

Coverage Co.

Comments on

Ex Parte Meeting

April 3, 2009

Unserved

- Separate definitions for mobile and fixed broadband
 - Fixed and mobile do not duplicate each other
 - No cancelation from legibility
- Flexibility in application – deference to state determination

Underserved

- No minimum data rate
- Applications evaluated on proposed material improvement on broadband service to:
 - Maximum number of consumers
 - Foster choice and competition in the market

Broadband Definition

- Definition must recognize the need to fill in uncovered areas
- No minimum data rate set beyond FCC Nationwide Broadband Data Order
- FCC to provide NTIA and RUS with a “tool” to apply in particular markets
 - Recognizes different tiers of broadband service

Non-Discrimination & Network Interconnection Requirements

- Whole sale operators (grantees) provide non-discrimination and interconnection by definition
- Any additional requirements should be imposed on the retail service provider